

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently amended) A DNA construct comprising a mouse β-actin promoter operably linked to a human Cytomegalovirus (CMV) enhancer.

2-4. (Canceled)

5. (Currently amended) A DNA construct comprising a mouse β-actin promoter operably linked to a CMV enhancer.~~The DNA construct of claim 1~~, wherein the CMV enhancer comprises the nucleotide sequence shown in SEQ ID NO: 4 and the mouse β-actin promoter comprises the nucleotide sequence shown in SEQ ID NO: 2.

6. (Canceled)

7. (Previously Presented) A vector comprising the DNA construct of claim 1.

8. (Previously presented) The vector of claim 7, comprising a desired DNA operably linked downstream of the mouse β-actin promoter.

9. (Previously Presented) The vector of claim 7, comprising and capable of expressing a DNA encoding a transactivator.

10. (Original) The vector of claim 9, wherein the transactivator is an oncogene product.

11. (Original) The vector of claim 10, wherein the oncogene product is Ras.
12. (Previously Presented) The vector of claim 8, wherein the desired DNA encodes a desired protein.
13. (Previously Presented) A cell comprising the vector of claim 8.
14. (Previously presented) A cell comprising the vector of claim 8, wherein said cell comprises an activated oncogene.
15. (Previously presented) The cell of claim 14, wherein the activated oncogene is on a vector in the cell.
16. (Original) The cell of claim 14, which is a transformed cell.
17. (Previously Presented) The cell of claim 13, which is a mammalian cell.
18. (Original) The cell of claim 17, which is a rodent cell.
- 19-21. (Canceled)
22. (Previously presented) A totipotent cell comprising the vector of claim 8.
23. (Withdrawn and currently amended) A method for producing a ~~desired~~ protein, the method comprising culturing a cell comprising the vector of claim 12 so that the desired protein is expressed, and harvesting the expressed protein from the cultured cell or its medium.
24. (Withdrawn) The method of claim 23, which comprises adding a transactivator to the medium.

25. (Withdrawn and currently amended) A method for expressing a desired DNA in a host cell, which comprises introducing the vector of claim 8 into ~~a~~ ~~the~~ host cell derived from the same animal order as that from which the β-actin promoter in the vector is derived; and expressing the desired DNA in the host cell.

26. (Withdrawn and currently amended) The method of claim 25, wherein the host cell is ~~a mouse cell derived from the same animal species as that from which the β-actin promoter in the vector is derived.~~

27. (Withdrawn and currently amended) A method for expressing a desired DNA in a host cell, which comprises introducing the vector of claim 8 and a vector comprising and capable of expressing a DNA encoding a transactivator into a ~~host cell which is derived from the same species as that from which the β-actin promoter in the vector of claim 8 is derived~~ mouse host cell; and expressing the desired DNA in the cell.

28-45. (Canceled)

46. (New) The DNA construct of claim 1, wherein the CMV enhancer comprises the nucleotide sequence shown in SEQ ID NO: 4.

47. (New) The DNA construct of claim 1, wherein the mouse β-actin promoter comprises the nucleotide sequence shown in SEQ ID NO: 2.

48. (New) The DNA construct of claim 1, further comprising a desired DNA operably linked downstream of the mouse β-actin promoter.

49. (New) The DNA construct of claim 5, further comprising a desired DNA operably linked downstream of the mouse β-actin promoter.

50. (New) The DNA construct of claim 46, further comprising a desired DNA operably linked downstream of the mouse β-actin promoter.

51. (New) The DNA construct of claim 47, further comprising a desired DNA operably linked downstream of the mouse β-actin promoter.

52. (New) A cell comprising the DNA construct of claim 1.

53. (New) A cell comprising the DNA construct of claim 5.

54. (New) A cell comprising the DNA construct of claim 46.

55. (New) A cell comprising the DNA construct of claim 47.

56. (New) A cell comprising the DNA construct of claim 48.

57. (New) A cell comprising the DNA construct of claim 49.

58. (New) A cell comprising the DNA construct of claim 50.

59. (New) A cell comprising the DNA construct of claim 51.